IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1738 OF 1996

Sanjay Prabhakar Potphode .. Petitioner
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.N.V.Bandivadekar with Mr.Subhash Langote for the Petitioner.
Mr.S.R.Nargolkar, AGP for Respondent Nos.1 and 2.
Mr.C.G.Gavnekar for Respondent Nos.3 and 4.

CORAM: S.RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

DATE : 22.11.2004.

P.C.:

1. Heard the learned Counsel for the parties. It is the grievance of the Petitioner that he has worked in the Respondent No.4 School from 01.08.1995 to 07.12.1996 but he has not been paid salary for the said period. So far as the subsequent period till date is concerned, there is no dispute between the parties about payment of salary.

2. It is the contention of Respondent No.3 and 4 that they are ready to submit the proposal to Respondent No.2 for payment of aforesaid unpaid salary to the Petitioner, and that the burden for payment of said salary should not be put upon them.

3. In view of aforesaid facts, we direct Respondent Nos.3 and 4 to forward to Respondent No.2 the necessary proposal for payment of salary to the Petitioner for the period 01.08.1995 to 07.12.1996 when he has worked in

Respondent No.4 School. The said proposal shall be submitted within four weeks from today. Respondent No.2 shall consider the said proposal in accordance with the necessary applicable rules, and if eligible under the Rules Respondent No.2 shall release the amount of salary within four weeks from receipt of proposal from Respondent Nos.3 and 4.

4. It is made clear that the Petitioner shall be entitled to receive the amount of salary as stated above, only when the proposal is sanctioned and the amount is released by Respondent No.2. The Petitioner as well as Respondent Nos.3 and 4 shall extend all the necessary co-operation to Respondent No.2 for disposal of the proposal.

5. Writ Petition stands disposed of in the aforesaid terms with no order as to costs.

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